

BOOKETED
NOV 15 1979

FILED

NOV 14 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

H. STUART CUNNINGHAM
At _____ o'clock _____
CLERK

BALLY MANUFACTURING CORPORATION,

Plaintiff,

v.

D. GOTTLIEB & CO.,
WILLIAMS ELECTRONICS, INC. and
ROCKWELL INTERNATIONAL CORPORATION,

Defendants.

and

BALLY MANUFACTURING CORPORATION,

Plaintiff,

v.

GAME PLAN, INCORPORATED,

Defendant.

Civil Action No. 78 C 2246

Civil Action No. 79 C 713

MOTION BY PLAINTIFF UNDER RULE 37 TO COMPEL
DISCOVERY FROM DEFENDANT GAME PLAN, INCORPORATED

Plaintiff Bally Manufacturing Corporation (Bally)
moves the Court for an order compelling defendant Game Plan,
Incorporated (Game Plan) to produce for inspection and copying
the following:

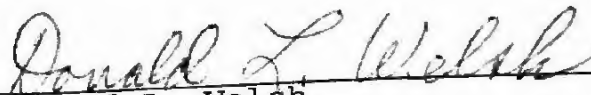
1. A tape recording of an interview
between Colin E. Foster, Wayne
M. Harding, and Gerson E. Meyers
which occurred on or about August
22 or 24, 1979, for the purpose

of preparing an Affidavit to be submitted to the Patent and Trademark Office for consideration in the Reissue Proceeding relating to the patent in suit;

2. An unexpunged version of a letter from Gerson E. Meyers to Colin E. Foster dated July 11, 1979; and
3. An unexpunged version of a letter from Gerson E. Meyers to Colin E. Foster dated August 10, 1979.

As required under local rule 12(d), counsel for the respective parties have attempted to resolve these matters, but have been unable to reach an agreement. Specifically, a telephone conference was held on November 13, 1979, between A. Sidney Katz representing Bally, and Gerson E. Meyers representing Game Plan wherein the respective parties were unable to reach agreement.

By


Donald L. Welsh
A. Sidney Katz
Jerold B. Schnayer
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Attorneys for Plaintiff

November 13, 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BALLY MANUFACTURING CORPORATION,

Plaintiff,

v.

D. GOTTLIEB & CO.,
WILLIAMS ELECTRONICS, INC.

and

ROCKWELL INTERNATIONAL CORPORATION,

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Civil Action No. 78 C 2246

Judge John F. Grady

Civil Action No. 79 C 713

NOTICE OF MOTION

TO: John F. Lynch, Esq.
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Houston, Texas 77056

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Gerson E. Meyers, Esq.
Dressler, Goldsmith, Clement,
Gordon & Shore, Ltd.
1800 Prudential Plaza
Chicago, Illinois 60601

PLEASE TAKE NOTICE that the attorneys of record for plaintiff, Bally Manufacturing Corporation shall appear before the Honorable John F. Grady, U.S. District Judge, in the room usually occupied by him or whoever shall be sitting in his stead, on November 14, 1979, 3:00 p.m. or as soon thereafter as counsel can be heard, and will present the attached Motion by Plaintiff Under Rule 37 to Compel Discovery From Defendant Game Plan, Incorporated.

Jerold B. Schreyer
One of the Attorneys for Plaintiff